

OPINION 1699

Conus fulmen Reeve, 1843 (Mollusca, Gastropoda): specific name conserved, and *Conus berghausi* Michelotti, 1847 given precedence over *C. demissus* Philippi, 1836

Ruling

(1) Under the plenary powers:

- (a) the specific name *modestus* Sowerby, [1833], as published in the binomen *Conus modestus*, is hereby suppressed for the purposes of the Principle of Priority but not for those of the Principle of Homonymy;
- (b) the specific name *berghausi* Michelotti, 1847, as published in the binomen *Conus berghausi*, is hereby given precedence over the specific name *demissus* Philippi, 1836, as published in the binomen *Conus demissus*, whenever the two names are considered to be synonyms.

(2) The following names are hereby placed on the Official List of Specific Names in Zoology:

- (a) *fulmen* Reeve, 1843, as published in the binomen *Conus fulmen*;
- (b) *berghausi* Michelotti, 1847, as published in the binomen *Conus berghausi*, with the endorsement that it is to be given precedence over *demissus* Philippi, 1836, as published in the binomen *Conus demissus*, whenever the two names are considered to be synonyms;
- (c) *demissus* Philippi, 1836, as published in the binomen *Conus demissus*, with the endorsement that it is not to be given priority over *berghausi* Michelotti, 1847, as published in the binomen *Conus berghausi*, whenever the two names are considered to be synonyms.

(3) The name *modestus* Sowerby, [1833], as published in the binomen *Conus modestus* and as suppressed in (1)(a) above, is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology.

History of Case 2766

An application for the conservation of the specific name of *Conus fulmen* Reeve, 1843, and for *C. berghausi* Michelotti, 1847 to be given precedence over *C. demissus* Philippi, 1836, was received from Prof A.J. Kohn (University of Washington, Seattle, Washington, U.S.A.) on 12 March 1990. After correspondence the case was published in BZN 48: 196–199 (September 1991). Notice of the case was sent to appropriate journals.

Decision of the Commission

On 1 September 1992 the members of the Commission were invited to vote on the proposals published in BZN 48: 197–198. At the close of the voting period on 1 December 1992 the votes were as follows:

Affirmative votes — 23: Bayer, Bock, Cocks, Corliss, Dupuis, Hahn, Halvorsen, Kabata, Kraus, Mahnert, Martins de Souza, Minelli, Nielsen, Nye, Ride, Savage, Schuster, Starobogatov, Štys (in part), Thompson, Trjapitzin, Uéno, Willink

Negative votes — 5: Bouchet, Cogger, Holthuis, Lehtinen and Macpherson.

No vote was received from Heppell.

Holthuis commented that the two parts of the application should have been presented separately for voting. Štys supported the conservation of *Conus fulmen* but not the precedence of *C. berghausi* over *C. demissus*: the latter two names had apparently not been widely used, both type specimens were extant, and therefore he considered that priority should apply.

Original references

The following are the original references to the names placed on an Official List and an Official Index by the ruling given in the present Opinion:

berghausi, *Conus*, Michelotti, 1847, *Natuurkundige Verhandelingen van de Hollandsche Naatschappij der Wetenschappen te Haarlem*, (2)3(2): 342.

demissus, *Conus*, Philippi, 1836, *Enumeratio molluscorum Siciliae*, vol. 1, p. 239.

fulmen, *Conus*, Reeve, 1843, Monograph of the genus *Conus*. In: *Conchologia iconica; a complete repertory of species*, vol. 1, species no. 215, pl. 39, fig. 215.

modestus, *Conus*, Sowerby, [1833], *The conchological illustrations*, part 28, *Conus*, fig. 19.